IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

R.P.No. 1158 of 2007-(M)

REVIEW PETITIONER/1ST RESPONDENT:

MOHANA DAS,S/O. RAJAPPA KURUP
KARUVAKKAL HOUSE, KARUKACHAL,
CHANGANACHERRY.

BY ADV. SRI.MATHEW JOHN (K)

RESPONDENTS/ PETITIONER & RESPONDENTS 2 TO 4:
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1. **P. THANKAMMA,W/O.DAMODARAN NAIR**
   KARUKACHAL P.O., CHANGANANCHERRY.

2. **THE VILLAGE OFFICER**
   KARUKACHAL,KOTTAYAM.

3. **THE TAHSILDAR, CHANGANACHERRY**

4. **THE REVENUE DIVISIONAL**
   OFFICER, KOTTAYAM.

BY GOVT. PLEADER, SRI.I.V. PRAMOD
SRI.M.P.MADHAVANKUTTY

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ANTONY DOMINIC, J.
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R.P.No.1158 OF 2007
IN
W.P.(C) NO. 28265 OF 2007
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Dated this the 27th day of November, 2007

O R D E R

This writ petition was filed for directing to effect mutation of a property having an extent of 3.75 Ares in RS 148/15 of Karukachal Village, and the case was disposed of by judgment dated 25th September 2007 directing the Village Officer to deal with Ext.P7 application made by the petitioner. In view of the nature of the relief that was granted, thinking that the same could not be harmful to anybody, without issuing notice, the writ petition was disposed of.

2. Now the 1st respondent in the writ petition has filed this review petition stating that parties are in litigation before the Civil Court and that the suit is pending before the Munsiff's Court, Chenganacherry. It is also stated that a CMA is also pending consideration of the District Court, Kottayam. The review petitioner has also produced as Annexure G, a communication from the office of the Tahsildar proposing to cancel the mutation in his favour purported to be in implementation of the judgment

in the writ petition. All these matters including the pendency of litigation between the parties were not disclosed in the writ petition. Whatever be its relevance, since the litigation is in connection with the property in respect of which mutation is sought in Ext.P7, petitioner should have disclosed these aspects in the writ petition and in which case notice would have been issued to the review petitioner. Since this has not been done and as prejudice has been caused to the review petitioner, I am inclined to review the judgment.

Review petition is accordingly allowed and the judgment will stand recalled.

ANTONY DOMINIC, JUDGE.

Rp